CALIFORNIA DEPARTMENT OF
Mental Health

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September 9, 1999

DMH LETTER NO.: 99- 04

TO: LOCAL MENTAL HEALTH DIRECTORS
LOCAL MENTAL HEALTH PROGRAM CHIEFS
LOCAL MENTAL HEALTH ADMINISTRATORS
COUNTY ADMINISTRATIVE OFFICERS
CHAIRPERSONS, LOCAL MENTAL HEALTH BOARDS

SUBJECT: THERAPEUTIC BEHAVIORAL SERVICES AND RESIDENTS OF INSTITUTIONS FOR MENTAL DISEASE

This Department of Mental Health (DMH) Letter provides information about the Mental Health Plan's (MHP's) responsibility to determine eligibility for therapeutic behavioral services (TBS), for full scope Medi-Cal beneficiaries under 21 years who are in Institutions for Mental Diseases (IMDs) which disqualify them from receiving federal Medi-Cal services, hereinafter referred to as IMDs. (In California, federal Medicaid/Medi-Cal reimbursement is not available in IMDs for this age group except for hospitals.) As provided in DMH Letter 99-03, MHPs are responsible to determine the need for, ensure access to, and manage TBS as an Early and Periodic Screening Diagnosis and Treatment (EPSDT) supplemental specialty mental health service under the Medi-Cal specialty mental health services consolidation program. The requirement in this DMH Letter and DMH Letter 99-03 are consistent with the MHP's contract with DMH, the California Code of Regulations, Title 9, Division 1, Chapter 11, and the preliminary injunction issued by the U.S. District Court in the case of Emily Q. v. Bonta'.

The preliminary injunction requires that "while in such facilities, members of the plaintiff class will be able to establish their eligibility for therapeutic behavioral services immediately upon leaving the IMD."

DMH Letter No. 99-03 provided MHPs with specific policy information on their responsibilities for the provision of TBS. This letter provides supplemental information to ensure compliance with the preliminary injunction regarding the MHPs' responsibility to determine eligibility for TBS for beneficiaries under age 21 who are in IMDs where the services are not eligible for federal reimbursement.

Prior to individual's discharge from an IMD, the MHP is responsible to apply the criteria for Medi-Cal reimbursement for TBS specified in DMH Letter No. 99-03 on pages three and four:

a) Determine if the individual is a full scope Medi-Cal beneficiary under 21 years of age and meets medical necessity criteria for MHP services.

b) Since all full scope Medi-Cal beneficiaries under 21 living in these IMDs are members of the class, there is no need to make further determination.

c) Determine if TBS will be needed upon discharge.

If the MHP determines that the individual is eligible for Medi-Cal services on discharge and that TBS are appropriate, the MHP must ensure that the services are available upon discharge.

The evaluation and treatment planning provided by the MHP to a member of the plaintiff class who is in an IMD, as described above, may not be claimed through the Short/Doyle-Medi-Cal claiming processes. DMH has provided an allocation to MHPs to provide specialty mental health professional services to beneficiaries in IMDs based on historical expenditures in the fee-for-service Medi-Cal program for psychiatrist and psychologist services in IMDs. MHPs may provide the determination of the need for TBS required by the preliminary injunction through psychiatrists or psychologists or may provide them through other appropriate MHP staff or contractors. Providers must meet the standards of Section 5, DMH Letter No. 99-03.
The determination of the need for this EPSDT supplemental specialty mental health service may be incorporated into the discharge planning and case management that is currently done by these facilities and by county mental health departments.

All other provisions of DMH Letter No. 99-03 remain in effect. All beneficiary protections under Title 9, Chapter 11 are applicable to the processes to determine the need for and provide TBS, including the notice of action, complaint, grievance, and fair hearing processes.

Sincerely,

STEPHEN W. MAYBERG, Ph.D.
Director

cc: California Mental Health Planning Council
Chief, Technical Assistance and Training